

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 17-286-VBF (AS)

Date November 2, 2017

Title Anthony Edward Herr v. Sgt. Wheeler, et.al.,

Present: The Honorable Alka Sagar, United States Magistrate Judge

Alma Felix

N/A

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiff:

Attorneys Present for Defendants:

N/A

N/A

Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE LACK OF PROSECUTION

On September 21, 2017, the Court issued an order dismissing Plaintiff's First Amended Complaint with leave to amend. (Docket Entry No. 16). Plaintiff directed to "file a Second Amended Complaint no later than 30 days from the date of this Order." Id. at 10. Plaintiff was "explicitly cautioned that failure to timely file a Second Amended Complaint, or failure to correct the deficiencies described . . . , will result in a recommendation that this action be dismissed for failure to prosecute and/or failure to comply with court orders." (Id. at 11).

To date, Plaintiff has failed to file a Second Amended Complaint or request a further extension of time to do so. Accordingly, Plaintiff is ORDERED TO SHOW CAUSE, in writing, no later than **November 17, 2017**, why this action should not be dismissed with prejudice for failure to prosecute. This Order will be discharged upon the filing of a Second Amended Complaint that cures the deficiencies in the last pleading or upon the filing of a declaration under penalty of perjury stating why Plaintiff is unable to file a Second Amended Complaint. A copy of the Court's September 21, 2017 Order is attached for Plaintiff's convenience.

If Plaintiff no longer wishes to pursue this action, he may request a voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a). A notice of dismissal form

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is attached for Plaintiff's convenience. Plaintiff is warned that a failure to timely respond to this Order will result in a recommendation that this action be dismissed with prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute and obey court orders.

cc: Valerie Baker Fairbank
United States District Judge

Initials of
Preparer

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